

Application No. 10/761,868
Amendment dated December 6, 2004
Reply to Office Action of August 6, 2004

REMARKS

Claims 11-17 and 25-30 are pending in the application. Claims 25-30 are withdrawn from consideration. The Examiner rejected Claims 11-17.

Specification

Applicants have amended the specification pursuant to the Examiner's suggestion.

Claim Rejections - 35 U.S.C. §112

Claims 13 and 15-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended Claims 13 and 15 to traverse this rejection.

Claim Rejections - 35 U.S.C. §102

Claims 11 and 12 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 1,561,044 (hereinafter "Alexander '044"). Applicants respectfully submit that Alexander '044 does not disclose or suggest a fill pack including a plurality of plates each having a plurality of ribs and a plurality of ligaments, the ribs being thicker than the ligaments, as called for in Claim 11.

Alexander '044 discloses sheet or plate 10, as shown in Fig. 1, with flanges arranged to form projections of trapezoidal configuration. The projecting flanges are formed of elements cut from sheet or plate 10 and bent from the plane thereof. The projections include upper flange 11 and pair of inclined flanges 12 and 13. Even assuming *arguendo* that the flanges are ribs and sheet 10 provides ligaments between the ribs, Alexander '044 does not disclose or suggest a fill pack including a plurality of plates each having a plurality of ribs and a plurality of ligaments, *the ribs being thicker than the ligaments*, as called for in Claim 11. The "ribs" and "ligaments" of Alexander '044 must be of identical thickness because the ribs/flanges are cut from sheet 10 and bent outward thereof. The material comprising the "ribs" and the "ligaments" is of identical thickness because both components were originally part of the same sheet. Because Alexander '044 does not disclose or suggest a fill pack including a plurality of plates each having a plurality

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of ribs and a plurality of ligaments, *the ribs being thicker than the ligaments*, as called for in Claim 11, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of Claim 11 and Claim 12 depending therefrom.

Claims 11-13 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,707,517 (hereinafter "Rolchigo et al. '517"). Applicants respectfully submit that Rolchigo et al. '517 does not disclose or suggest a fill pack including a plurality of substantially vertically oriented plates, as called for in amended Claim 11.

Rolchigo et al. '517 discloses an immersible rotary disc filtration device including filter member 44 having circular plate 52, as shown in Fig. 2. Figure 10 illustrates a plurality of filter members 44 horizontally oriented on top of each other. Rolchigo et al. '517 does not disclose or suggest a fill pack including a plurality of substantially vertically oriented plates, as called for in amended Claim 11. In contrast, the plates of Rolchigo et al. '517 are horizontally oriented, as shown in Fig. 10, advantageously allowing gravity to force liquid down through filter members 44. Were plates 52 of Rolchigo et al. '517 vertically oriented as called for in Claim 11, as amended, filter members 44 would not be operable to perform the intended function of filtration in the method disclosed in Rolchigo et al. '517. Therefore a person of ordinary skill in the art would not be motivated to orient plates 52 of Rolchigo et al. '517 vertically. Because Rolchigo et al. '517 does not disclose or suggest a fill pack including a plurality of *substantially vertically oriented plates*, as called for in amended Claim 11, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of Claim 11, and Claims 12 and 13 depending therefrom.

Claim Rejections - 35 U.S.C. §103

Claims 14-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rolchigo et al. '517. Applicants respectfully submit that Claims 14-17 are patentable for at the least reasons advanced above with respect to Claims 11-13 and therefore respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of Claims 14-17.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

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In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,



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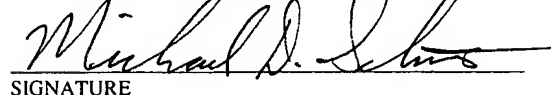
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SIGNATURE

December 6, 2004
DATE